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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
DA 94-6 OFFICE OF SECRETARY

In the Matter of)
Request by WavePhore, Inc. for a)
Clarification of the Television Rules)
To Allow Digital Data Transmission)
Within the Video Portion of)
Television Station Transmissions)

**REPLY COMMENTS OF THE CONSUMER ELECTRONICS
GROUP OF THE ELECTRONIC INDUSTRIES ASSOCIATION**

The Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") hereby replies to the comments submitted on March 14, 1994, in response to the Commission's request for reactions to WavePhore, Inc's request for clarification of the Commission's rules.¹ The comments which have been filed to date illustrate the need for the Commission to exercise considerable caution in consideration of WavePhore's Request. EIA/CEG readily acknowledges the potential benefits of permitting digital data transmissions within television signals, but does not believe that broadcasters can properly be given carte blanche to introduce such transmissions, using a variety of incompatible and perhaps even proprietary technologies, whenever they believe that it will not cause visible degradation to the video signal or interference to other stations.

¹ See Letter from David E. Deeds, WavePhore, Inc., to Roy J. Stewart, FCC Mass Media Bureau (Dec. 9, 1993)("WavePhore Request"); Public Notice DA 94-67 (Jan. 25, 1994). Prior to the Public Notice, EIA/CEG had responded to a request from Commission staff for views on WavePhore's request. These Reply Comments supersede EIA/CEG's earlier response.

EIA/CEG must begin by underscoring its keen interest in promoting efficient spectrum use and in enabling broadcasters to provide beneficial services which supplement, without impairing, their traditional broadcast services. EIA/CEG strongly supports technology development efforts along the lines outlined by WavePhore and encourages experimental use of that and other technologies by broadcasters under Commission supervision. EIA/CEG's own commitment to innovation in this area is amply demonstrated by EIA/CEG's leadership role in the establishment of the National Data Broadcasting Committee ("NDBC").

The NDBC was established in August 1993 by EIA and the National Association of Broadcasters. The purpose of the NDBC is to develop voluntary national technical standards for high-speed data broadcasting using the NTSC television service as a delivery medium. The ultimate objectives of the NDBC are to enable the development of a Data Broadcasting Service to be used for over-the-air delivery of data-based information services² -- and also to protect the public's ability to continue to receive existing services with today's receivers. The NDBC expects to support the highest possible data rate consistent with the need (1) to avoid unacceptable degradation of the host NTSC signal, (2) to prevent adverse interference to other NTSC signals, and (3) to forestall any requirement for increased complexity of conventional television receivers.

²

One proponent identifies potential services as including "distribution of educational and instructional materials, health care information, electronic newspapers, financial services information, software, and fare and schedule information." WavePhore Request at 2. This list, while broad, is far from exhaustive.

The NDBC's plans include the development of technical specifications and implementation of a test program to verify the technical parameters of the Data Broadcasting Service.³ This process may ultimately lead to the filing of a petition for rulemaking with the Commission.

The NDBC has published a Request for Proposals which seeks to identify entities interested in presenting data broadcasting technology for consideration by the industry forum. Responses are due May 1, 1994. An evaluation working group has been established. Hardware for testing is scheduled to be submitted by November 1, 1994.

In light of the NDBC's purposes and schedule, EIA/CEG is reluctant to endorse any proposal which would give any single company an advantage in the introduction of broadcast data services.⁴ At the same time, EIA/CEG can muster no enthusiasm for a "generic" ruling which would allow "anyone . . . who wishes to superimpose signals on an existing television transmission . . . to do so without prior Commission authorization," so long as there are "no discernible effects on NTSC transmissions to television receivers or on adjacent channels . . ."⁵ The former approach

³ WavePhore is expected to be one of the companies whose technology will be evaluated as part of this process.

⁴ Accord Comments of Radio Telecom and Technology Inc. passim (Nov. 14, 1994)("RTT Comments").

⁵ See id. at 1, 2, 4-5; see also id. at 2 (urging Commission "to approve any new method or application to enable broadcasters and the public to benefit from the fruits of new communications technologies")(emphasis added). Incidentally, neither WavePhore nor RTT explains by what mechanism it would be determined whether a particular data transmission technology causes "no discernible degradation" of the television signal. See RTT Comments at 2. Would each supplier of data transmission technology

could prejudice the industry standards activities that have so recently been commenced. The latter could lead to a headlong race to deploy a variety of incompatible and possibly proprietary technologies. The resulting chaos could ultimately deter investments by broadcasters, potential customers of the broadcasters' data services, manufacturers of reception equipment, and consumers.⁶

EIA/CEG believes strongly in the value of standards. Over EIA's 70-year history, the Association has been involved, directly and indirectly, in setting the standards for innumerable products and services. In recent years, these efforts have included FM stereo, TV stereo, closed captioning and extended data services, to name but a few examples.⁷ EIA currently is working hard on standards for digital audio broadcasting. EIA and its members have been active participants in all phases of the process to establish a U.S. standard for high definition television. In all of these cases, EIA/CEG's objectives are to promote competition, innovation, interoperability, and ease of use, to encourage

make the determination unilaterally? Would individual broadcasters make these determinations?

⁶ See Comments of Association for Maximum Service Television at 3-4 (Mar. 14, 1994) ("MSTV Comments") (discussing adverse impacts on AM stereo and teletext resulting from lack of industry standard).

⁷ The most timely of these examples involves the Extended Data Service, which is an extension of the closed captioning service. In 1993, the Commission granted EIA/CEG's request for rulemaking to authorize the transmission of additional captions, teletext, and a variety of data services in line 21, field 2, of the vertical blanking interval. See Amendment of the Rules Relating to Permissible Uses of the Vertical Blanking Interval of Broadcast Television Signals, 8 FCC Rcd. 3613 (1993); 47 C.F.R. § 73.682(a)(22)(1992). The maximum data rate of the field 2 service, however, is approximately 500 bits per second. The NDBC effort contemplates data rates that are hundreds of times as fast.

widespread acceptance of new products and services, and to sustain consumer confidence. Equally salutary results can and should be achieved in the context of digital data transmissions to be contained with NTSC television broadcast signals. The same kind of standards process that has worked so well in other contexts is now underway with digital data transmission in TV broadcast signals. This industry-led process should continue.

EIA/CEG believes the Commission should support this process.⁸ At minimum, the Commission should refrain from taking actions that would impede the NDBC from conducting its standards work. The best course of action, as one party suggests, may be to treat the WavePhore Request as a petition for rulemaking and to "establish a docket to consider the results of the NDBC's efforts."⁹ Accordingly, EIA/CEG urges the Commission to defer consideration of WavePhore's Request for the present, to continue to allow experimental authorizations on a broadcaster-by-broadcaster

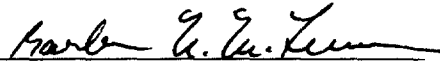
⁸ MSTV is right that the Commission has followed this approach, to good effect, with advanced television and with NTSC ghost-canceling. MSTV Comments at 5-6.

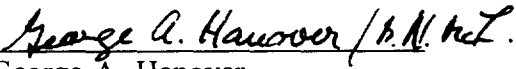
⁹ See id. at 7 n.10.

basis, to support industry standards activities, and -- at the appropriate time -- to consider whether the industry standard should be incorporated in the Commission's rules or given any other form of Commission imprimatur.

Respectfully Submitted,

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March 29, 1994

CERTIFICATE OF SERVICE

I, James L. Casserly, hereby certify that copies of the foregoing "Reply Comments of the Consumer Electronics Group of the Electronic Industries Association" were served this 29th day of March, 1994, by first class, postage prepaid mail, upon:

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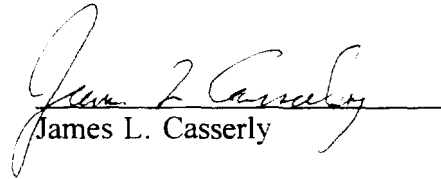
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